

1 Q Now, I mean, there were various pleadings and
2 things filed back and forth in that proceeding. Did your
3 FCC counsel as a matter of routine send copies of those
4 pleadings to you when they received them?

5 A Yes, they did, as a matter of routine.

6 Q And what did you do with the pleadings when you
7 got them, if anything?

8 A Unless there was some action required by me or
9 some call from counsel to read it, i.e., please, you've got
10 the swear to the contents of this document or this pleading;
11 please review it because -- thoroughly because you're going
12 to have to understand the facts and swear to them, I
13 wouldn't normally read through them. Some of them were ten
14 times this size.

15 Many -- and I was getting documents at that time
16 from the MPAA case that Howard Barr was handling from his
17 court pleadings on those. I was getting substantial court
18 pleadings from the hardwire unfranchised cable company case
19 that was moving from the 2nd Circuit -- moving from the
20 Southern District to the 2nd Circuit. And there were
21 voluminous legal documents.

22 And I was trying the best I could to run what was
23 about a 50 person company and had a lot of balls in the air
24 at the same time. And it was difficult to be our regulatory
25 -- full time regulatory supervisor as well as do my

1 operating duties. It's not an excuse for what happened.

2 But I was stretched.

3 Q And I take it from your answer that you -- that
4 you -- that you -- if you received a copy of Exhibit 1, you
5 would have gone ahead and sent Mr. Nourain a copy of it as
6 well because you thought it was something that he should
7 have.

8 A That's correct.

9 Q And -- and you expected him to -- to act upon it
10 in an appropriate fashion.

11 A Yes.

12 Q Okay. But I take it that it was not your practice
13 to occasionally call him up or speak with him and verify
14 that in fact he did something with this document or a
15 similar document that you forwarded to him.

16 A That was never my practice, no.

17 Q Okay. Now, did you have -- in addition to the
18 weekly Thursday meetings that you had with your department
19 heads, did you also have regular periodic meetings with --
20 with Mr. Nourain and Mr. Ontiveros in some smaller group?

21 A Not regular period meetings. On occasion, we
22 would assemble a larger group of the marketing account
23 execs. and a larger group of the operations staff and a
24 larger group of administrative people just to get together
25 to talk to one another about what was going on in the

1 company; to fill in people's information gaps; to let them
2 know what was new and that they wouldn't find out in the
3 ordinary course just within their departments.

4 But did I have a periodic meeting with the
5 operations department? No. Would I every couple of times a
6 year drop in on their meeting just to let them know I was
7 still alive because they were uptown and I was downtown or
8 take the installers to lunch at Christmastime? Yes, I did.

9 Q So I take it that you depended primarily upon Mr.
10 Ontiveros to communicate to Mr. Nourain whatever it is your
11 wishes might have been expressed about Mr. Nourain doing
12 something in a weekly meeting.

13 A Well, I -- I had -- I wasn't asking Mr. Nourain to
14 do anything, so I wouldn't ask Tony Ontiveros to tell --
15 report on Behrooz Nourain. I just asked -- we would ask him
16 at the weekly staff meeting to report upon what was going on
17 in the operations department; how things were going; how
18 were they progressing against the schedule and if they had
19 any problems they needed solved. And they would sometimes
20 have problems with delivery of electronics from Hughes
21 Electronics or the need to get a new van because of the
22 number of buildings we were serving or hire more personnel.
23 So they had a variety of those types of issues.

24 Q But, for example, if you needed a line of site
25 survey for a new building that you were trying to sign up, I

1 take it that -- that you would not directly call Mr. Nourain
2 and ask him to do that. You would depend on Mr. Ontiveros
3 or someone else to do that.

4 A Marketing would do that with operations. And as I
5 said, I would get involved if people had a problem. It
6 would bounce to me in that example: if they had no line of
7 site and what do we do if we don't -- do we walk away from
8 the contract or do we tell them we'll be back in a period of
9 time after we have a neighboring building. But, no, I would
10 not get involved unless someone asked me to get involved
11 because they couldn't solve the problem.

12 Q Okay. Did the Pepper & Corazzini firm send you
13 copies of as-filed versions of license applications and STA
14 requests?

15 A I would see them on occasion. Whether they were
16 sending me everything, I doubt it. I would see documents on
17 occasion. But I don't think I was seeing all the documents.

18 Q And -- and I take it that you expected them to
19 send them to Mr. Nourain.

20 A That's correct.

21 Q Okay. But again, you didn't -- you didn't attempt
22 to verify that that was happening with Mr. Nourain.

23 A No, I didn't. There wasn't apparently any need,
24 although in retrospect, there should have been more
25 supervision or some procedure in place that wasn't.

1 JUDGE SIPPEL: Well, this talk about having a
2 procedure in place, did you have any idea what Mr. Nourain
3 was doing in terms of when he had the authorization to
4 activate these paths?

5 THE WITNESS: No, I presumed that he knew -- he
6 was recommended by someone I respected. He was supervised
7 by someone I had worked with for a period of several years,
8 Tony Ontiveros. And he was I believe audited I thought by
9 regulatory counsel I talked to once a week. And no one told
10 me that I should be concerned that he wasn't doing what he
11 was supposed to do.

12 JUDGE SIPPEL: Well, no one had told you that you
13 should be concerned. But your chief executive officer --
14 well, I'm -- you've answered my question. I mean, you
15 answered the question.

16 BY MR. BECKNER:

17 Q Mr. Price, you've just testified again about the
18 procedures. And you mentioned early in your direct
19 testimony that there was a gentleman named Bruce McKinnon
20 who was chief operating officer at Liberty and who left the
21 company -- when did he leave? In like May of 1994, is that
22 right?

23 A I believe it was in that time frame.

24 Q Okay. When McKinnon was there, did he sit on
25 these weekly meetings -- the Thursday meetings that you've

1 been talking about?

2 MR. SPITZER: Your Honor, Bruce, I think it may
3 have been 1993, not 1994.

4 MR. BECKNER: I'll accept your correction, Mr.
5 Spitzer. Clearly, whenever it was, it was before the
6 circumstances that we're talking about arose.

7 JUDGE SIPPEL: All right. Thank you, Mr. Spitzer.
8 Be sure the Witness is focused on the -- you know, the right
9 time frame.

10 BY MR. BECKNER:

11 Q Yes, the time frame I want you to focus on, Mr.
12 Price, is -- you've been talking about procedures that you
13 had in place or that you thought you had in place. And you
14 made reference in your direct testimony to a memorandum that
15 you wrote I believe in 1992.

16 A That's correct.

17 Q And at that time -- or after that memorandum, Mr.
18 McKinnon was in fact working for Liberty Cable.

19 A That's correct.

20 Q Because he was the recipient in the memorandum,
21 correct?

22 A That's correct.

23 Q All right. Now, I want to talk about the
24 procedure that existed when Mr. McKinnon was there at
25 Liberty Cable. And the question that I wanted to ask you is

1 did Mr. McKinnon attend -- did you have regular Thursday
2 weekly meetings of department heads when Mr. McKinnon worked
3 for Liberty Cable?

4 A Yes, we did.

5 Q And did you attend those meetings?

6 A Yes, I did.

7 Q Along with Mr. McKinnon.

8 A That's correct.

9 Q Okay. Now -- now, he's testified about those
10 meetings in depositions. I'm not going to tell you what
11 he's testified. I'm just going to let you know that he has.
12 But what I want to know is whether you recall in the
13 meetings back in what I'm going to call the McKinnon days,
14 was there discussion in those meetings of -- of -- of the
15 fact of, say, we've just got a license granted yesterday or
16 this past week? Do you remember those kind of discussions
17 back in those days?

18 A In the very beginning when we got our first STAs
19 or when we were waiting anxiously for any kind of FCC
20 authorization, I recall there was a period then when we got
21 a bunch of paper one day. And I went to Bruce and said what
22 is this. And he said I don't know. And he gave it to
23 Behrooz. And finally somebody said, well, this is an FCC
24 license. So that was eureka. We learned we had one and we
25 learned what one looked like. In the normal course do I

1 recall somebody saying we got an FCC license at one of those
2 meetings? No.

3 Q And -- and --

4 A He might have, but I don't recall.

5 Q And do you recall in those meetings whether or not
6 in the course of discussions about the impending activation
7 of a particular building, that there was any discussion
8 about -- and again, I'm referring to the -- when McKinnon
9 was there -- if there was any discussion about the licensing
10 status of that building?

11 A As I said, with the first couple of buildings
12 where we were anxiously awaiting authority to activate any
13 building at all, yes, that would come up. Oh, great, we
14 finally got a license or STA. Subsequent to that, no, I
15 don't recall that was a subject in the meetings.

16 Q Was -- when Mr. McKinnon was employed by Liberty,
17 was he the one whom you considered responsible for
18 overseeing the licensing and what I'm going to call the
19 compliance process?

20 A No. As I said before, that was between
21 engineering and regulatory counsel in Washington, that I
22 asked Bruce to make sure that engineering made that
23 connection. Was he the immediate supervisory of Tony who
24 was the supervisor of Behrooz and was operations intimately
25 involved with the installation and activation of buildings?

1 Yes. And were they coordinating with regulatory counsel?

2 Yes. In that sense, Bruce was the oversight of the
3 operations department who was the oversight of engineering
4 who was responsible for that function, yes.

5 Q But as far as you're concerned though, after Mr.
6 McKinnon left Liberty Cable -- and no one replaced his job,
7 is that right?

8 A That's correct.

9 Q Okay. After he left Liberty Cable, there was no
10 change in your perception as to how --

11 A The people responsible and the way things should
12 proceed, no.

13 Q Okay. You finished my question for me. And I'll
14 accept your finishing the question.

15 A Thank you.

16 Q I'd like you to take a look at Time
17 Warner/Cablevision Exhibit 18 which is in the large
18 notebook. And that is the surrepley filed by Liberty Cable
19 with the FCC.

20 A Yes, sir.

21 Q Okay. Now, you've -- you've filed a verification
22 of the accuracy of the factual statements of this document.
23 And that's at page 008 of the exhibit.

24 A Yes, I see it.

25 Q Okay. And that's your signature and that's your

1 dated May 17, 1995, correct?

2 A Yes, it is.

3 Q By the way, do you -- do you make your sevens in
4 the European manner with the slash through the seven? Is
5 that --

6 A Yes, I do.

7 Q That's a practice of yours?

8 A Yes, it is.

9 Q Okay. And I take it then because you did the
10 verification, you reviewed this document in draft form
11 before you --

12 A Yes, I did.

13 Q -- signed the declaration. Okay. I want to ask
14 you just about a couple of the statements that are in it.
15 If you would go to the page that's marked 003 in the small
16 numbers at the bottom; it's also page 3 of the pleading. Do
17 you have that page in front of you, sir?

18 A Yes, I do.

19 Q Okay. I want to ask you about a sentence that's
20 in the second paragraph on the page. And it's about two-
21 thirds of the way down. And the sentence reads, "To
22 compound the situation, the administration department failed
23 to notify Mr. Nourain that a grant of Liberty's applications
24 was being held up indefinitely as a result of the Time
25 Warner petitions."

1 A Right.

2 Q And the reference is Exhibits 1 and 2. And
3 Exhibits 1 and 2 are, of course, the declarations of you and
4 Mr. Nourain. The administration department that's
5 identified in this pleading, that's you, isn't it?

6 A In effect it's me because I'm the one responsible
7 for knowing what's going on in the company and fixing it
8 when it's wrong. I think what's being referred to here is
9 the trafficking of communication between one department and
10 another, what we described as an administrative foul up.
11 And I think the use of "administrative department" is used
12 to describe not so much as a physical department, although
13 there is one responsible for preparing documents, copying
14 them and distributing them. It's to describe what we said
15 was an administrative foul up in the company.

16 Q Okay. And -- and just to pursue that a little bit
17 further, what this -- I take it that it would be correct to
18 read this sentence is that -- the problem is that you knew
19 the grant of Liberty's applications was being held up. But
20 you didn't tell that to Mr. Nourain.

21 A I think the effect is that I should have known or
22 could have known. But I -- I didn't -- I specifically
23 didn't know that.

24 Q I'm sorry. You specifically didn't know what?

25 A That -- I knew that we were having problems with

1 the -- the granting of applications and that we were getting
2 delayed. But I specifically didn't just get into the
3 details with Mr. Nourain.

4 Q Right.

5 A Right.

6 Q And you didn't tell him.

7 A Right.

8 Q Okay. That's fine. Now, I take it it would be
9 fair to say that at the time that this surreply was filed,
10 you were very concerned that you might be told by the FCC to
11 turn off these unlicensed facilities until the matter could
12 be resolved. Is that a fair statement?

13 A I think it was one of the concerns, yes. I mean,
14 that was -- we had a lot on our minds and that was one of
15 the concerns.

16 Q And if the FCC told you turn off the microwave
17 facility, then you had no other way of providing your
18 service to your customers in the affected buildings. Is
19 that right?

20 A No, there are other ways. Whether we could -- you
21 know, whether we could apply for a franchise from the city
22 of New York and get it before the STAs -- before the
23 Commission required us to turn off service, that's a sticky
24 question.

25 But, yes, there are other ways to provide cable

1 service in the city of New York besides microwave
2 transmission. I don't mean to be cute, but we were looking
3 at every -- we had discussed the -- the subject of a
4 franchise with the city. And believe me, we were exploring
5 every which way that we could provide service if we couldn't
6 -- if Time Warner prevailed on their first petition and we
7 couldn't provide service by microwave at all, regardless.
8 Sure that was on our mind.

9 Q But in the short run -- and by the short run, I
10 mean in the matter of a few months, if you were forced to
11 turn off your microwave links, there was no other way in the
12 short run that you could serve customers in those affected
13 buildings, was there?

14 A Not that we could determine.

15 Q I mean, isn't that essentially --

16 A No effective way, that's correct.

17 Q I mean, that's essentially what you told the FCC,
18 is it not?

19 A That's correct.

20 Q Yes. And so in fact you did not turn off any of
21 these microwave paths because the FCC did not tell you turn
22 them off, is that right?

23 A That's correct.

24 Q Now, I'd like you just to turn, if you would, to
25 what's been marked as Time Warner/Cablevision Number 20;

1 that's Tab 20 in the book that you have open before you.

2 A That's the --

3 Q It's the --

4 A June 9 it says at the top?

5 Q Yes. That's the -- a letter from Michael Hayden
6 addressed to Howard Barr and Henry Rivera.

7 A Yes. I see that someone at the FCC uses the
8 European method of making sevens, that one.

9 Q Okay.

10 JUDGE SIPPEL: That's the Court Reporter for the
11 case.

12 THE WITNESS: Oh, I see.

13 BY MR. BECKNER:

14 Q Oh, yes. Just to advise you that this rectangular
15 stamp that you'll see on the first page is an exhibit stamp
16 that's affixed by the Court Reporter in this proceeding.

17 A I see.

18 Q So whenever you look at a document, you should
19 ignore that stamp because it's obviously not part of the
20 document --

21 A I see. I will do that.

22 Q -- as it originally existed.

23 JUDGE SIPPEL: But that's going to change next
24 week because we're going to get another Court Reporter.

25 THE WITNESS: I hope it wasn't my fault.

1 MR. BEGLEITER: One who writes the sevens
2 numerically.

3 BY MR. BECKNER:

4 Q Do you remember getting a copy of this letter, you
5 know, from perhaps your legal counsel sometime around June
6 9th of 1995?

7 A May I just read it for a second?

8 Q Sure. Yes. Take whatever time you need.

9 A Yes, I've read it. And I've -- I recall receiving
10 it.

11 Q Okay. And again, just -- if you would turn to
12 Liberty/Bureau Exhibit -- that's the other notebook. The
13 thin notebook. Do you have that in front of you?

14 A No, I don't.

15 JUDGE SIPPEL: Which exhibit do you want him to
16 see?

17 MR. BECKNER: Liberty/Bureau Exhibit 3, Your
18 Honor. I'm sorry. I didn't realize I was asking you to
19 take the Judge's book from him.

20 JUDGE SIPPEL: No, that's all right.

21 BY MR. BECKNER:

22 Q Mr. Price, do you recognize Liberty/Bureau Exhibit
23 3 as your response to the --

24 A Yes. If you're going to ask me questions on it,
25 I'd like to read it if I may.

1 Q Yes, sure. Take your time.

2 A Yes, I've read it.

3 Q Okay. Now, I don't recall you -- let me just do
4 the formalities. Exhibit 3 is in fact a -- a true copy of a
5 letter that you sent to Mr. Hayden on June 16th, correct?

6 A That's correct.

7 Q Okay. Now, at the time that you sent this June
8 16th letter, were you reasonably satisfied that you -- you
9 had identified all of the instances of unlicensed and
10 operating microwave paths by Liberty?

11 A I think your description as "reasonably satisfied"
12 is correct. Given the problems we were having and the rude
13 discoveries we were making, I wasn't complete satisfied, but
14 reasonably satisfied.

15 Q That was a deliberate choice of words on my part.

16 A Thank you.

17 Q And -- and I apologize for making you flip back
18 and forth. But the response to Mr. Hayden's letter which --
19 which you said that you got which is Exhibit -- Time
20 Warner/Cablevision Exhibit 20 is in two places in the
21 proceeding. One place is your Exhibit 3 which we've just
22 been looking at. And the other place is Time
23 Warner/Cablevision Exhibit 21. And if you'll just turn to
24 that in the book.

25 A May I read it? Although it may take a while.

1 Q You certainly may read it. I -- in the interest
2 of shortening things down somewhat, there's -- I'll just
3 advise you there's some exhibits and things that are hung on
4 the back of the letter. And I don't think you need to read
5 them. I'm not going to ask you about them anyway except --
6 except for Mr. Nourain's declaration which is Exhibit 1 to
7 the letter. But everything that follows that, I'm not going
8 to ask you about.

9 JUDGE SIPPEL: Well, it sounds -- do you have a
10 line of questions that it's going to go into?

11 MR. BECKNER: I've got a few questions about this,
12 Your Honor. Maybe I just want to hold this and --

13 JUDGE SIPPEL: I think maybe so. We're getting
14 close to the point where we agreed to close down this
15 afternoon. And, you know, unless you think you can finish
16 up in five minutes.

17 MR. BECKNER: No, I don't think so. In
18 particular, because the Witness does need to take a look at
19 the document and that will take some time.

20 JUDGE SIPPEL: That's a long document.

21 MR. BECKNER: I mean, can we finish ten minutes
22 earlier than we said we would or --

23 JUDGE SIPPEL: Yes, we will. I want to go off the
24 record.

25 (A discussion was held off the record.)

1 JUDGE SIPPEL: It's almost 4:40 and we're going to
2 -- we're going to finish up for the day now and come back at
3 9:30 on Tuesday morning next week. So Mr. -- Mr. Price,
4 you're going to come back and testify on Tuesday which means
5 that you're still under oath. And as I've instructed the
6 other witnesses in this case, you're not to discuss the
7 substance of your testimony with any of the other witnesses,
8 either that have gone before or who might come after you.

9 THE WITNESS: Yes, sir.

10 JUDGE SIPPEL: All right? And counsel can give
11 you some more advice on that if you need it. So you're
12 excused and we'll see you Tuesday.

13 THE WITNESS: Yes, sir.

14 (Whereupon, the Witness was excused.)

15 JUDGE SIPPEL: Let's go off the record.

16 (Off the record.)

17 JUDGE SIPPEL: Back on the record.

18 MR. WEBER: Your Honor, the Bureau would like to
19 make a request at this time. As you recall, I did some
20 questioning of Mr. Lehmkuhl on their billing records. And
21 other than for a small portion of the records that dealt
22 with around the time the February 24th memo was prepared, we
23 have not seen billing records and had not necessarily
24 considered it highly relevant until some of the -- some of
25 the recent testimony. At this time, we would like to

1 request that we get the Pepper & Corazzini billing records
2 from January through May 1985 -- 1995, because we believe it
3 may help show some sequence of events, as well.

4 JUDGE SIPPET: That would be just for the -- I
5 mean, just for this account --

6 MR. WEBER: Oh, certainly. Just for the 1808
7 account.

8 MR. SPITZER: Your Honor, let me just clarify for
9 the record. There had been -- Mr. Holt earlier said that
10 there had been a document request for all the billing
11 records. I don't believe that was entirely correct. In our
12 conversations with the Bureau prior to our document
13 productions in April and then thereafter, we'd agreed upon
14 which ones we would produce. And Mr. Weber is entirely
15 correct. We produced those which they deemed most relevant.
16 At this point in time, we're more than happy to comply with
17 the request and get them, you know, the additional period,
18 January -- 1/1/95 through -- I'm sorry, the terminus date
19 was?

20 MR. WEBER: Through May 1995 and including --

21 MR. SPITZER: Through May -- end of May 1995.
22 We're happy to do that.

23 MR. BECKNER: And I think if want to redact the
24 dollar amounts, you know, from the bills, we don't need to
25 see that. We'd like to see the time-keeper's initials, the

1 description and the amount of time and of course the date.

2 But, you know, whether it's --

3 JUDGE SIPPEL: No, that's fair.

4 MR. BECKNER: -- \$5,000.00, that's not what we're
5 concerned with.

6 JUDGE SIPPEL: All right. Then that's going to be
7 provided to you then.

8 MR. WEBER: Thank you.

9 JUDGE SIPPEL: And you're going to take a look at
10 the -- you're going to take a look at the corporate minutes
11 but you don't expect to find anything. And what about --
12 has that been gone over pretty carefully with these -- with
13 these responsible people at the company, at Liberty, their
14 desk calendars?

15 MR. SPITZER: Yes, Your Honor.

16 JUDGE SIPPEL: They have?

17 MR. SPITZER: Yes. I have personal instruction
18 and demands and -- yes.

19 JUDGE SIPPEL: But I mean have you all -- have the
20 lawyers -- have the attorneys in this case looked at them?
21 Have you physically looked at them?

22 MR. SPITZER: We have instructed and had read to
23 us precise entries of all phone logs and calendars and
24 entries. And we have -- as I can only say because it is in
25 our interest to reconstruct with as great precision as

1 possible the events of this period, we have done that.

2 JUDGE SIPPEL: All right. Okay. I'm going to
3 just -- you know, you go ahead and start packing up. But
4 I'm thinking what -- the things that I'm thinking about --
5 certainly Mr. Ontiveros is a definite. Mr. Barr looks like
6 he's becoming more and more of a likelihood and Liberty may
7 want to offer him as -- I mean, even without us asking, you
8 might want to produce him. Mr. Edward Milstein is the other
9 one I've got in light of what we heard today. And that --
10 those are the -- those are the -- I wanted to impart that
11 information to you.

12 And the other thing I wanted to let the -- to let
13 the Bureau know is that when this is -- when all is said and
14 done on -- on this -- this phase, I know you're in as a
15 joint movement on this -- on this issue. But I definitely
16 want independent comments from the Bureau --

17 MR. WEBER: We had --

18 JUDGE SIPPEL: -- at the conclusion of this.

19 MR. WEBER: We had intended upon filing our -- a
20 separate proposed findings and conclusions.

21 JUDGE SIPPEL: That would be fine. That would be
22 fine. All right. That's all I wanted to say right now. So
23 then -- I'm available tomorrow for -- if you want -- if
24 there's a telephone conference for scheduling or something
25 else comes up, I'm available tomorrow for that purpose.

1 MR. BECKNER: Your Honor, just for purposes so I
2 understand what I need to prepare for, we're going to be --
3 after we do our non-testimonial work on Tuesday morning,
4 we're going to resume Mr. Price and then Mr. Ontiveros. Is
5 that what you have in mind?

6 JUDGE SIPPEL: Well, I'm leaving it -- you know, I
7 feel like leaving it up to Liberty in terms of scheduling.
8 Now, we're going to finish up Mr. Price. I -- I -- my
9 expectations are to finish up Mr. Price on Tuesday.

10 MR. BECKNER: Oh, sure. Yes.

11 JUDGE SIPPEL: Now, whether -- Mr. Ontiveros I
12 expect is going to be here in case we have time. But I --

13 MR. BEGLEITER: Do you really think there will be
14 time, Your Honor?

15 JUDGE SIPPEL: I don't know. I have no way of
16 knowing that.

17 MR. BECKNER: Well, I just raised the question. I
18 don't have any preference if he -- if you would rather not
19 waste Mr. Ontiveros' time by having him sit around here,
20 that would be okay with me. but I just thought I ought to -
21 - I'm just curious as to what your plans were.

22 MR. SPITZER: I have gotten different reactions
23 when I've asked different counsel this question. But how
24 many additional hours of cross do you think you have? And
25 then we can -- you know, I wouldn't blithely waste his time.

1 On the other hand, I'd rather not waste the Court's time.

2 JUDGE SIPPEL: Let's come to a -- let me just
3 bring this to a short conclusion. We'll just -- we'll just
4 finish up with Mr. Price. If we can get -- if we can get
5 through the questions -- get all of those administrative
6 issues and witnesses and all resolved and get a final, final
7 hearing schedule worked out plus get finished with Mr.
8 Price, you know, and leave here at sundown on Tuesday, I
9 think that would be a successful day.

10 MR. BEGLEITER: And we had asked actually to leave
11 at 3:00 on Tuesday.

12 JUDGE SIPPEL: Well, there you are. See?

13 MR. BECKNER: Oh, yes. I forgot about that.

14 JUDGE SIPPEL: That's right. You did. So I
15 agree, it would make no sense to try to do anything useful
16 with Mr. Ontiveros on Tuesday.

17 MR. BEGLEITER: I'm not entirely convinced we're
18 going to be finished with Mr. Price on Tuesday.

19 JUDGE SIPPEL: All right. Anybody have anything
20 more? We're in recess then until 9:30 next Tuesday.

21 (Whereupon, at 4:44 p.m. on Thursday, January 16,
22 1997, the hearing recessed to reconvene at 9:30 a.m. on
23 Tuesday, January 21, 1997.)

24 //

25 //

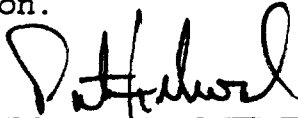
REPORTER'S CERTIFICATE

FCC DOCKET NO.: 96-41
CASE TITLE: Liberty Cable, Inc.
HEARING DATE: January 16, 1997
LOCATION: Washington, D. C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date:

1-16-97

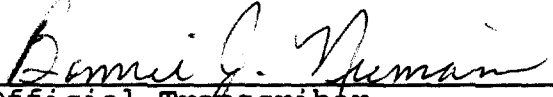

Official Reporter
Heritage Reporting Corporation
1220 "L" Street, N.W.
Washington, D.C. 20005
Peter Knight Shonerd

TRANSCRIBER'S CERTIFICATE

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

Date:

1/16/97



Official Transcriber
Heritage Reporting Corporation
Bonnie J. Niemann

PROOFREADER'S CERTIFICATE

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date:

1.16.97


Official Proofreader
Heritage Reporting Corporation
Don R. Jennings

Heritage Reporting Corporation
(202) 628-4888